



GOVERNOR'S OFFICE OF
BUDGET AND PROGRAM PLANNING

Fiscal Note 2011 Biennium

Bill #	HB0424	Title:	Revise state land law to clarify public information
Primary Sponsor:	Pornichowski, JP	Status:	As Introduced

- | | | |
|---|--|--|
| <input type="checkbox"/> Significant Local Gov Impact | <input type="checkbox"/> Needs to be included in HB 2 | <input checked="" type="checkbox"/> Technical Concerns |
| <input type="checkbox"/> Included in the Executive Budget | <input type="checkbox"/> Significant Long-Term Impacts | <input type="checkbox"/> Dedicated Revenue Form Attached |

FISCAL SUMMARY

	<u>FY 2010 Difference</u>	<u>FY 2011 Difference</u>	<u>FY 2012 Difference</u>	<u>FY 2013 Difference</u>
Expenditures:				
General Fund	\$0	\$0	\$0	\$0
Revenue:				
General Fund	\$0	\$0	\$0	\$0
Net Impact-General Fund Balance:	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

Description of fiscal impact: There is no fiscal impact to the state.

Technical Notes:

- Section's 1, 2, 4, 6, 8, 10, 11, 12, 13, 14, and 15 provide that the name of a person or entity seeking an option to lease, submitting a bid, seeking a permit, lease or license, or seeking a sale is public information. These sections also provide that any lease, permit, license, or contract issued pursuant to these statutes is public information. The department already considers this information public, pursuant to 2-6-102 and 2-6-104, MCA. The following situations do temporarily delay the release of information in order to maintain the integrity of the bid process. The department believes these processes would be allowed under the proposed legislation, as all information is available to the public upon completion of the bidding process.
 - In a sealed bid process, the department does not open the bids and release information until the bid submittal period has closed. This prevents prospective bidders from learning what other parties have submitted before they prepare and submit their bid.
 - In an oral auction process for oil and gas leasing, the department releases applicant information at the close of the auction. This prevents collusion between applicants and other bidders.
- Under current law, the department has the ability to withhold from public inspection geologic information related to metalliferous, non-metalliferous, coal, and oil and gas leases. The ability to withhold such

information is limited those situations where the department considers it necessary either to protect the lessee's economic interest or the public's best interest. Section's 3, 5, 7, and 9 make all such information available for public inspection.

Sponsor's Initials

Date

[Signature]
Budget Director's Initials

2/9/09
Date